

4-180412

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CMA-CGM (AMERICA), INC., now known  
as CMA CGM (AMERICA) LLC,

Plaintiff,

- against -

SILVER LINE MOTORS, and  
ISMAIL ELABDALLAH,

Defendants.  
-----X

08 CIV. 0180 (McMAHON)

REPLY AFFIDAVIT

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )


ALBERT J. AVALLONE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court, and am a member of the firm of Albert J. Avallone & Associates, counsel for plaintiff. As such, I am personally familiar with the facts and circumstances of this instant motion.


2. Plaintiff does not object to removing Ismail Elabdallah as a named defendant. The reason he was so named is that the Dun & Bradstreet report on Silver Line Motors did not show Silver Line Motors as a corporation or assumed name of Texas Silver Line, Inc., and named the individual defendant as "Owner". The facts set forth in the instant motion, verified by deponent, bely the assumption made in reference to the Dun & Bradstreet report.

3. As defendant now appears to be actually Texas Silver Line, Inc., a/k/a Silver Line Motors, deponent respectfully requests that the Complaint be amended to reflect the full name of defendant.

Dated: New York, New York  
July 23, 2008

  
\_\_\_\_\_  
Albert J. Avallone

Sworn to before me this  
23<sup>rd</sup> day of July, 2008

  
\_\_\_\_\_  
Notary Public

DOROTHY C. MERITE  
Notary Public, State of New York  
No. 31-4961997  
Qualified in New York County  
My Commission Expires 2/23/10